THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.23670 of 2006

16th November 2006

Between:

Mohd.Mahmood, S/o.Late Mohd.Khaja, 48 years, Town Planning Supervisor, Town Planning Section, Circle No.7, Municipal Corporation of Hyderabad, Secunderabad Division, Secunderabad.

...PETITIONER

AND

1. The Government of Andhra Pradesh, rep.by Secretary to Government, Municipal Administration and Urban Development (Vig.III) Department, Secretariat Buildings, Hyderabad.

And one other.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.23670 of 2006

ORDER: (Per the Hon'ble Mr Justice Ramesh Ranganathan)

Aggrieved by the order of the Tribunal in O.A.No.6775 of 2006 dated 10.11.2006, refusing to pass an interim order in the O.A. filed by the petitioner seeking suspension of the order of punishment, the present Writ Petition is filed.

Sri P.Naveen Rao, learned counsel for the petitioner, would submit that common charges were framed against all employees and a common enquiry report was submitted by the Enquiry Officer and thereafter punishment was imposed on the employees. Learned counsel would submit that in the case of a co-employee, while the Tribunal had granted interim suspension of the order of punishment, in the case of the petitioner a similar relief was not granted.

Courts/Tribunals ought not, normally, to interdict the punishment imposed by the employer pursuant to a departmental enquiry held to enquire into the charges of misconduct as, on the O.A./W.P. being finally decided, if the order of punishment is set aside, the employee can always

be adequately compensated. In the present case, if the petitioner succeeds in the O.A. and the punishment imposed is set aside, the amount payable to him can always be directed to be paid later. We see no reason to interfere with the discretion exercised by the Tribunal in refusing to grant an interim order.

The Writ Petition is accordingly dismissed. We are, however, of the view that since the interim order has been passed in the other O.A., the O.A., against which the present Writ Petition is filed, should be heard as expeditiously as possible, in any event, not later than four {4} months from the date of receipt of a copy of this order. No costs.

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(B.PRAKASH RAO, J)

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(RAMESH RANGANATHAN, J)

16th November 2006
RRB